

JS 44 (Rev. 12-07) (and rev. 1-16-08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, nor is it provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE 2, WORKSHEET 11-1-08)

I. (a) PLAINTIFFS

California State Automobile Association, Inter-Insurance Bureau

(b) County of Residence of First Listed Plaintiff: Co. of San Francisco, CA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

GRUNKSY, EBEL, FARRAR & HOWELL, a Professional Corporation
240 Westgate Drive
Watsonville, CA 95076
(831) 722-2444

DEFENDANTS

Franke, Inc., John Guest USA, Inc., and Does 1 through 50, inclusive

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED

Attorneys (If Known)

Unknown

(see attachment for attorneys of John Guest USA, Inc.)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Ejectment <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Easement <input checked="" type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Land <input type="checkbox"/> 371 Torts in Land <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 730 Labor/Management Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party <input type="checkbox"/> 26 USC 7609	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (925) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) OTHER STATUTES <input type="checkbox"/> 460 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat. TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (Specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. section 1441 (b) -- Diversity of Citizenship

Brief description of cause

Subrogation action for strict product liability

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER R.C.P. 23

DEMAND \$ 104,583.46 + interest

CHECK YES only if demanded in complaint
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE"

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)

☒ SAN FRANCISCO OAKLAND☐ SAN JOSE

DATE

March 25, 2008

BY FAX

1 John W. Shaw [State Bar No. 82802]
jshaw@stl-lawoffices.com
2 SHAW, TERHAR & LaMONTAGNE, LLP
707 Wilshire Boulevard, Suite 3060
3 Los Angeles, California 90017
Telephone: (213) 614-0400
4 Facsimile: (213) 629-4534

5 Attorneys for Defendant
JOHN GUEST USA, INC.
6
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 CV 08

1642

EDL

11 CALIFORNIA STATE AUTOMOBILE
ASSOCIATION, INTER-INSURANCE
12 BUREAU,

13 Plaintiff,

14 vs.

15 FRANKE, INC., JOHN GUEST USA, INC.,
and DOES 1 through 50, inclusive,,
16

17 Defendants.

Case No.

JOHN GUEST USA, INC.'S NOTICE
OF REMOVAL OF ACTION UNDER
28 U.S.C. §1441(b) [DIVERSITY OF
CITIZENSHIP]; DECLARATION OF
JOHN W. SHAW IN SUPPORT
THEREOF

Complaint Filed: March 10, 2008

18 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

19 PLEASE TAKE NOTICE THAT defendant JOHN GUEST USA, INC. ("JOHN
20 GUEST"), hereby removes the above-captioned action to this Court from the Superior
21 Court of the State of California, County of Marin, based upon diversity of citizenship as
22 shown by the following grounds:

23 **Background Information:**

24 On or about March 10, 2008, plaintiff California State Automobile Association,
25 Inter-Insurance Bureau ("Plaintiff") filed a complaint entitled *California State Automobile*
26 *Association, Inter-Insurance Bureau v. Franke, Inc., et al.*, in the Superior Court of the State
27 of California for the County of Marin, case number cv081148 (the "Underlying Action"),
28

BY FAX

1 naming as defendants "FRANKE, INC." ("FRANKE"), "JOHN GUEST USA, INC.," and
 2 "Does 1 through 50, inclusive." (See Exhibit A to this notice.)

3 Plaintiff alleges that JOHN GUEST manufactured and sold a plastic fitting to
 4 FRANKE, which was used on a Franke Triflow water filter, serial number FR 077691.
 5 (See Ex. A, ¶ 8.) This water filter was installed in the kitchen of Plaintiff's insured's
 6 premises. (See *id.*) Plaintiff alleges that on or about November 8, 2007, the fitting
 7 allegedly fractured, causing the water filter to leak and flood the insured's premises. (See
 8 Ex. A, ¶ 9.) Plaintiff alleges the fitting and the water filter, as designed, manufactured,
 9 and/or sold by Defendants, were supposedly defective and unsafe for their intended
 10 purposes at the time of purchase and installation. (See Ex. A, ¶ 10.)

11 Plaintiff alleges a subrogation causes of action against the defendants for strict
 12 product liability. (See Ex. A.)

13 ***Jurisdiction:***

14 Jurisdiction is proper here based on diversity of citizenship as addressed below.

15 ***Intradistrict Assignment:***

16 Assignment to the San Francisco location is proper as the action was filed in the
 17 Superior Court for the State of California, County of Marin.

18 ***Timeliness of Removal:***

19 On March 14, 2008, Plaintiff served defendants JOHN GUEST and FRANKE, both
 20 of whose offices were located out of California, by mail. (Ex. B.)

21 Pursuant to California Code of Civil Procedure section 415.40, service became
 22 effective on March 24, 2008. Since fewer than thirty days have elapsed since then, this
 23 notice is timely.

24 Neither JOHN GUEST nor FRANKE have not answered Plaintiff's complaint in the
 25 Underlying Action. (See Declaration of John W. Shaw ("Shaw Declaration") at ¶¶ 7-8.)

26 ***Amount in controversy:***

27 The amount in controversy in the Underlying Action exceeds \$75,000, exclusive of
 28 interest and costs. Plaintiff's Complaint in the underlying action prays for judgment, in

1 part, for damages in the sum of \$104,583.46 according to proof at the time of trial. (See Ex.
2 A, pp. 3.17-18.)

3 ***Diversity of Citizenship:***

4 There is complete diversity of citizenship in that (1) Plaintiff is a corporation
5 organized and existing under the laws of the State of California with its principal place of
6 business in the City of San Francisco, State of California.; (2) JOHN GUEST USA, INC. is
7 a corporation organized and existing under the laws of the State of New Jersey with its
8 principal place of business in the City of Fairfield, State of New Jersey; and (3) FRANKE,
9 INC. is a corporation organized and existing under the laws of the State of Delaware with
10 its principal place of business in the City of North Wales, State of Pennsylvania. (See
11 Exhibits E and F, Shaw Declaration at ¶¶ 2-4, and Request for Judicial Notice.)

12 In light of this diversity, this Court has original jurisdiction of this action under 28
13 U.S.C. section 1332 (a), as required by 28 U.S.C. section 1441

14 ***Propriety of removing to the Northern District:***

15 Plaintiff filed the Underlying Action in the Superior Court of California, County of
16 Marin, and it is thus properly removed to the jurisdiction of the United States District Court
17 for the Northern District of California.

18 ***State Court Documents:*** The exhibits attached to this notice are true and complete
19 copies of all documents from the Underlying Action, as identified and authenticated in
20 paragraphs five and six of the accompanying Shaw Declaration.

21 **WHEREFORE**, JOHN GUEST hereby removes the Underlying Action to this
22 honorable Court.

23
24 Dated: March 25, 2008

SHAW, TERHAR & LaMONTAGNE, LLP

25
26 By: 

27 John W. Shaw
28 Attorney for Defendant
JOHN GUEST USA, INC.

DECLARATION OF JOHN W. SHAW

I, JOHN W. SHAW, declare:

1. I am an attorney at law duly admitted to practice law in the State of California. I am partner in the Law Offices of Shaw, Terhar & LaMontagne LLP, attorneys of record for defendant JOHN GUEST USA, INC. ("JOHN GUEST"). I have personal firsthand knowledge of the facts set forth herein, and could and would competently testify to them if I were called upon to do so. I make this declaration in support of JOHN GUEST's Notice of Removal of Action under 28 U.S.C. section 1441 (diversity of citizenship).

2. I have represented JOHN GUEST in several lawsuits, and can attest based upon my familiarity with the company that it is a corporation organized and existing under the laws of the State of New Jersey with its principal place of business in the City of Fairfield, State of New Jersey.

3. Attached is a true and correct copy of the California Secretary of State's Business Entity profile for California State Automobile Association, marked Exhibit E.

4. Attached is a true and correct copy of the Pennsylvania Secretary of State's Business Entity profile for Franke, Inc., marked Exhibit F.

5. The exhibits attached to this notice are true and complete copies of the documents from the Underlying Action that they purport to be, namely:

Exhibit A: The Plaintiff's Complaint in Subrogation for Strict Product Liability;

Exhibit B: The Proof of Service of the Complaint;

Exhibit C: The summons;

Exhibit D: The Superior Court of California, County of Marin's Notice of Case Management Conference (Civil)

6. These are the only pleadings received thus far by Defendant.

7. JOHN GUEST has not answered Plaintiff's complaint in the Underlying Action.

1 8. Our office has not received service of an Answer on behalf of defendant
2 FRANKE, INC.

3 I declare under penalty of perjury under the laws of the United States of America that
4 the foregoing statements are true and correct.

5 Executed this 25th day of March, 2008, at Los Angeles, California.

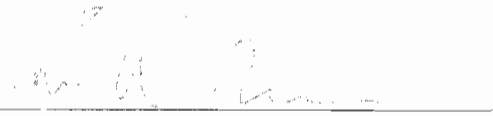
6
7 
8 JOHN W. SHAW

EXHIBIT A

FILED

MAR 10 2008

KIM TURNER, Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: S. Bond, Deputy

1 Robert E. Wall, Esq., SBN 108114
2 Laura Uddenberg, Esq. SBN 75630
3 GRUNSKY, EBEL, FARRAR & HOWELL
4 A Professional Corporation
5 240 Westgate Drive
6 Watsonville, CA 95076
7 Telephone: 831/722-2444
8 Facsimile: 831/722-6153
9 Attorneys for Plaintiff CALIFORNIA STATE AUTOMOBILE
10 ASSOCIATION, INTER-INSURANCE BUREAU

11
12 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 IN AND FOR THE COUNTY OF MARIN

14 CALIFORNIA STATE AUTOMOBILE
15 ASSOCIATION, INTER-INSURANCE BUREAU,

16 Plaintiff.

17 vs.

18 FRANK, INC., JOHN GUEST USA, INC., and
19 DOES 1 through 50, inclusive,

20 Defendants.

UNLIMITED CIVIL ACTION

No. CV 081118

COMPLAINT IN SUBROGATION
FOR DAMAGES FOR STRICT PRODUCT
LIABILITY

21 Plaintiff alleges:

22 1. Plaintiff, CALIFORNIA STATE AUTOMOBILE ASSOCIATION, INTER-
23 INSURANCE BUREAU (hereinafter "CSAA"), is, and at all times herein mentioned was, a
24 corporation licensed by the Insurance Commissioner of the State of California to engage in the
25 business of insurance in the State of California.

26 2. Blair and Laurie LaCorte (hereinafter the "INSURED") are, and at all times herein
27 mentioned were, the owner of certain real property and improvements located at 15 Belvedere Ave., in
28 the City of Belvedere, County of Marin, State of California (hereinafter "INSURED PREMISES").

3. At all times herein mentioned, the INSURED S were insured by CSAA under a homeowner's policy of insurance (hereinafter the "POLICY") against, among other risks, damage to the INSURED PREMISES by water.

4. Defendant FRANKE, INC. (hereinafter FRANKE) is a corporation doing business in the State of California, in among other places, the County of Marin. Defendant FRANKE is, and at all times herein mentioned was, engaged in the business of designing, manufacturing, marketing and selling water filters for use by members of the general public in the County of Marin.

5. Defendant JOHN GUEST USA, INC. (hereinafter GUEST) is a corporation doing business in the State of California, County of Marin. Defendant GUEST is, and at all times herein mentioned was, engaged in the business of designing, manufacturing, marketing and selling plastic fittings for use by members of the general public in the County of Marin.

6. Plaintiff is ignorant of the true names and capacities of the defendants sued herein as Does 1 through 50, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to show their true names and capacities when ascertained.

7. Plaintiff is informed and believes and thereon alleges that each defendant, including the fictitiously named defendants Does 1 through 50, is, and at all times herein mentioned was, the agent and/or employee of each remaining defendant, and in doing the things hereinafter described was acting within the course and scope of such agency and employment.

8. Defendant GUEST manufactured and sold a plastic fitting to defendant FRANKE for use on a Franke Triflow water filter, serial number FR 077691, which was installed in the second story kitchen of the INSURED PREMISES at a date unknown, but within the five years preceding the filing of this complaint. Defendants GUEST and FRANKE intended the fitting and water filter to be used by consumers without inspection for defects.

9. On or about November 8, 2007 the GUEST fitting fractured, causing the FRANKE water filter to leak which flooded the INSURED PREMISES.

10. The GUEST fitting and the FRANKE water filter, as designed, manufactured, and/or sold by defendants were, at the time the INSURED S purchased them and had them installed in the INSURED PREMISES, defective and unsafe for their intended purposes.

11. The INSUREDS were unaware, until the time of the flood, of the defective and unsafe nature of the fitting and water filter. The INSUREDS at all times used the fitting and water filter in the way defendants FRANKE and GUEST intended them to be used.

12. As a proximate result of the water leak, the INSURED PREMISES were flooded, and suffered extensive damage. The INSUREDS were required to repair the dwelling; repair, replace and/or restore personal property; and incurred additional living expenses in a total amount of \$104,583.46, or such other amount as may be proved at trial.

13. CSAA was required to, and did, pursuant to the terms of the POLICY, reimburse the INSUREDS for the above described damages, except for the INSUREDS' \$1,000.00 deductible, which was paid by the INSUREDS. Plaintiff's damages became certain as of January 23, 2008, entitling plaintiff to prejudgment interest.

14. CSAA has notified defendants FRANKE and GUESS of the damages, payments made, and CSAA'S rights to reimbursement in subrogation for the sums as set forth in paragraph 11, but FRANKE and GUEST have failed and refused, and continue to fail and refuse, to reimburse CSAA the whole or any part thereof.

WHEREFORE, plaintiff prays for judgment as follows:

1. For the sum of \$104,583.46, or such other amount as will be proven at trial, paid by CSAA as set forth herein;

2. For pre-judgment interests on CSAA'S payments to the INSUREDS;

3. For the costs of suit herein incurred;

4. For such other and further relief as the court may deem just and proper.

DATED: March 4, 2008

GRUNSKY, EBEL, FARRAR & HOWELL

By

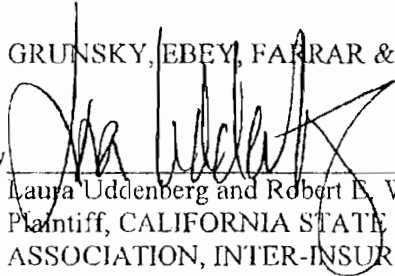

Laura Uddenberg and Robert B. Wall, Attorneys for
Plaintiff, CALIFORNIA STATE AUTOMOBILE
ASSOCIATION, INTER-INSURANCE BUREAU

EXHIBIT B

PROOF OF SERVICE
[CCP §§ 1013a, 2015.5]

STATE OF CALIFORNIA)
COUNTY OF SANTA CRUZ } ss

I am over the age of eighteen (18) years and not a party to the within action. I am employed by the law firm of GRUNSKY, EBEL, FARRAR & HOWELL (the "firm"), and my business address is 240 Westgate Drive, Watsonville, California 95076.

On **March 14, 2008** I caused to be served the within

- **SUMMONS**
- **COMPLAINT IN SUBROGATION FOR DAMAGES**
- **NOTICE OF CASE MANAGEMENT CONFERENCE (CIVIL)**
- **NOTICE TO PLAINTIFFS**
- **STIPULATION TO USE OF ALTERNATIVE DISPUTE RESOLUTION PROCESS**
- **EX PARTE APPLICATION FOR EXTENSION OF TIME TO SERVE PLEADING AND ORDERS**
- **CASE MANAGEMENT STATEMENT (BLANK)**
- **NOTICE OF STAY OF PROCEEDINGS**
- **NOTICE OF TERMINATION OR MODIFICATION OF STAY**
- **NOTICE OF SETTLEMENT OF ENTIRE CASE**
- **STATEMENT OF AGREEMENT OR NONAGREEMENT**
- **ADR INFORMATION SHEET**

* on the parties to this action, by placing a true copy thereof enclosed in a sealed envelope **(CERTIFIED RETURN RECEIPT REQUESTED)** addressed as follows and delivered in the manner indicated:

John Guest USA Inc.
180 Passaic Avenue,
PO Box 11085,
Fairfield, New Jersey 07004

FRANKE, INC.
Kitchen Systems Division
3050 Campus Drive, Suite 500
Hatfield, PA 19440

XXX

By Mail: I caused each envelope **(CERTIFIED RETURN RECEIPT REQUESTED)** with postage prepaid to be placed in the United States mail at Watsonville, California. I am readily familiar with the business practices of the firm regarding the collection and processing of correspondence for mailing with the United States Postal Service. Pursuant to such business practices, and in the ordinary course of business, all correspondence is deposited with the United States Postal Service on the same day it is placed for collection and mailing.

[By Federal Express]: I caused each envelope to be delivered to Federal Express for overnight courier to the office(s) of the addressee(s).

[By Hand Delivery]: I caused each envelope to be delivered by hand on the office(s) of the addressee(s).

[By Fax]: On *, I served the within document on the parties in said action by facsimile transmission, pursuant to Rule 2.306 of the California Rules of Court. A transmission report was properly issued by the sending facsimile machine and the transmission was reported as complete and without error.

csub19785/POS

CSAA v. Franke, et al., Marina County Superior Court Case No. CV 081148
PROOF OF SERVICE

1 [By e-mail] Pursuant to CCP 1010.6(6), and pursuant to authorization from ***,
2 assistant to ***, I scanned and emailed correct copies of the above-entitled document
to ***(e-mail address). A copy of the e-mail transmission is attached hereto.

3 I declare, under penalty of perjury under the laws of the State of California, that the foregoing
4 is true and correct, and that this declaration was executed on **March 14, 2008** at Watsonville,
California.

5
6 
7 Sylvia A. Nazario
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

csub19785/POS

CSAA v. Franke, et al., Marina County Superior Court Case No. CV 081148

PROOF OF SERVICE



EXHIBIT C

**SUMMONS
(CITACION JUDICIAL)**

SUM-100

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

MAR 17 2008

FRANKE, INC., JOHN GUEST USA, INC., and DOES 1 through 50,
inclusive

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED

MAR 10 2008

KIM TURNER, Court Executive Officer
MARIN COUNTY SUPERIOR COURT
By: S. Bond, Deputy

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

CALIFORNIA STATE AUTOMOBILE ASSOCIATION, INTER-
INSURANCE BUREAU

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court State of California
Hall of Justice
3501 Civic Center Drive
San Rafael, California 94903

CASE NUMBER **CV 081148**
(Número del Caso)

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Robert E. Wall, Esq. (SBN 108114) (831) 722-2444 (831) 722-6153
Laura Uddenberg, Esq. (SBN 75630)
Grusky, Ebey, Farrar & Howell
240 Westgate Drive, Watsonville, CA 95076

DATE: **MAR 10 2008**
(Fecha)

KIM TURNER
(Secretario)

S. BOND, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):

Page 1 of 1



EXHIBIT D

SUPERIOR COURT OF CALIFORNIA
County of Marin
P.O. Box 4988
San Rafael, CA 94913-4988

FILED

MAR 10 2008

KIM TURNER, Court Executive Officer
MARIN COUNTY SUPERIOR COURT

PLAINTIFF:

California State Automobile
Assurance

vs.

DEFENDANT:

Fiorino, et al

CASE NO.

CV 081148

By: S. Bond, Deputy

NOTICE OF CASE
MANAGEMENT CONFERENCE
(CIVIL)

This case is subject to the Trial Court Delay Reduction Act, Government Code § 68600 et seq., and Civil Rules of the Uniform Local Rules of the Marin County Superior Court (hereafter MCSC Civil Rules).

Pursuant to California Rules of Court 3.734, this case is assigned to Judge Dunne, Department L. This assignment is for all purposes.

MCSC Civil Rule 1.18 and CRC 3.110(b) and 3.221(c) requires that the Summons and Complaint, a copy of this notice, a blank Case Management Conference Statement form, and an ADR information package be served and that Proof of Service be filed within 60 days of the filing date of this Complaint. CRC 3.110(d) requires that defendants file responsive pleadings within 30 days of service, unless the parties stipulate to an extension of not more than 15 days.

1. IT IS ORDERED that the parties/counsel to this action shall:

- a. Comply with the filing and service deadlines in MCSC Civil Rules 1.18 and CRC 3.110, or APPEAR IN PERSON at the Order to Show Cause hearing on the dates set forth below:

Hearing on Failure to File Proof of Service 5/22/08 9:00 A.M. *cl*

Hearing on Failure to Answer 6/19/08 9:00 A.M. *cl*

- b. Appear for a Case Management Conference on 7/15/08 9:00 A.M. *cl*

2. Telephonic appearance at Case Management Conference may be available by contacting COURT CALL, an independent vendor, not less than 5 court days before the hearing date. Parties may make arrangements by calling (888) 882-6878. This service is subject to charges by the vendor.

3. You must be familiar with the case and be fully prepared to discuss the suitability of the case for binding or non-binding arbitration, mediation, or neutral case evaluation. **Counsel must discuss ADR options with their clients prior to attending the CMC** and should be prepared to discuss with the court their authority to participate in ADR.

4. Case Management Conference Statements must be filed and served on all parties, including the Court, at least 15 calendar days before the CMC. (A \$49.00 sanction will be charged for late filing of a statement.)

Case Management Statement must be filed by

7/15/08

5. All Law and Motion matters will be heard on the calendar of the assigned Judge. Tentative Rulings may be obtained by calling (415) 473-7545 from 2:00 p.m. to 4:30 p.m. the court day preceding the scheduled hearing.

EXHIBIT E

California Business Portal

Secretary of State **DEBRA BOWEN**

SECRETARY OF STATE

ELECTIONS & VOTER INFO

POLITICAL INFO

CA BUSINESS PORTAL

ARCHIVES & MUSEUM

OTHER SERVICES

Business Search Corporations

[Printer Friendly Page](#)

[New Search](#)

[Search Tips](#)

[Field Definitions](#)

[Status Definitions](#)

[Name Availability](#)

[Corporate Records](#)

[Business Entities](#)

[Records Order Form](#)

[Certificates](#)

[Copies](#)

[Status Reports](#)

[FAQS](#)

[Corporations Main Page](#)

[Site Search](#)

Corporations

The information displayed here is current as of "MAR 14, 2008" and is updated weekly. It is not a complete or certified record of the Corporation.

Corporation

CALIFORNIA STATE AUTOMOBILE ASSOCIATION

Number: C0051511 **Date Filed:** 9/4/1907 **Status:** active

Jurisdiction: California

Address

100 VAN NESS AVENUE
SAN FRANCISCO, CA 94102

Agent for Service of Process

PAUL E. GARRISON
100 VAN NESS AVENUE 16TH FLOOR
SAN FRANCISCO, CA 94102

[Printer Friendly](#)

[New Search](#)

- For information about certification of corporate records or for additional corporate information, please refer to **Corporate Records**.
- Blank fields indicate the information is not contained in the computer file.
- If the status of the corporation is "Surrender", the agent for service of process is automatically revoked. Please refer to California Corporations Code **Section 2114** for information relating to service upon corporations that have surrendered.

EXHIBIT F



PENNSYLVANIA
Department of State

Corporations

[Online Services](#) | [Corporations](#) | [Forms](#) | [Contact Corporations](#) | [Business Services](#)

Search
By Business Name
By Business Entity ID
Verify
Verify Certification
Online Orders
Register for Online
Orders
Order Business List
My Images
Search for Images

Business Entity Filing History

Date: 3/21/2008
(Select the link above to
view the Business Entity's
Filing History)

Business Name History

Name	Name Type
FRANKE, INC.	Current Name

Business Corporation - Foreign - Information

Entity Number:	751891
Status:	Active
Entity Creation Date:	5/9/1978
State of Business.:	DE
Principal Office Address:	% Ct Corporation System PA
Mailing Address:	No Address

Officers

Name:	HANS J OTT
Title:	President
Address:	212 CHURCH RD NORTH WALES PA 19454-0

Name:	DANIEL H SCHNEIDER
Title:	Secretary
Address:	212 CHURCH RD NORTH WALES PA 19454-0

Name:	DANIEL H SCHNIEDER
Title:	Treasurer
Address:	212 CHURCH RD NORTH WALES PA 19454-0

Name:	THOMAS R CAMPION
--------------	------------------

PROOF OF SERVICE
Calif. State Auto. Ass'n, et al. v. Franke, Inc.

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 707 Wilshire Boulevard, Suite 3060, Los Angeles, California 90017

On March 26, 2008, I served the within document(s) described as:

JOHN GUEST USA, INC.'S NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441(b) [DIVERSITY OF CITIZENSHIP]; DECLARATION OF JOHN W. SHAW IN SUPPORT THEREOF

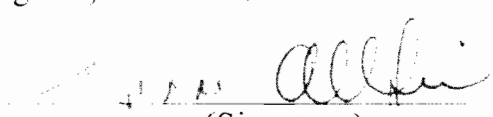
on the interested parties in this action as stated on the attached mailing list.

☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 26, 2008, at Los Angeles, California.

Yvonne Allfie
(Type or print name)


(Signature)

SERVICE LIST
Calif. State Auto. Ass'n, et al. v. Franke, Inc.

Robert E. Wall, Esq.
Laura Uddenberg, Esq.
Grunsky, Ebey, Farrar & Howell
240 Westgate Drive
Watsonville, CA 95076

Telephone: (831) 722-2444
Facsimile: (831) 722-6153

Attorneys for Plaintiffs
CALIFORNIA STATE AUTOMOBILE
ASSOCIATION, INTER-INSURANCE
BUREAU

FRANKE, INC.
Kitchen Systems Divisio
3050 Campus Drive, Suite 500
Hatfield, PA 19440